

Message

From: Starfield, Lawrence [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8A89D6CD217D4254A5879ABECB3F314E-STARFIELD, LAWRENCE]
Sent: 1/29/2021 10:20:50 PM
To: Johnson, Kathleen [Johnson.Kathleen@epa.gov]
Subject: RE: Transition Update

Understood. Please ask OCEFT if we have any allies in OGC.

Larry

From: Johnson, Kathleen <Johnson.Kathleen@epa.gov>
Sent: Friday, January 29, 2021 4:19 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Subject: RE: Transition Update

I am asking to be copied on any of the papers that I'm tracking – and those generally go to guidance documents or particular rules that we may need to defend or argue about. For all of the 48 rules, I just ask they coordinate among themselves, where appropriate, and with the media AAships. I assume that if the media AAships recommendations are at odds with ours, they will let us know. For example, it appears that the Office of Water doesn't want to pull the Criminal Burden of Proof rule. OCEFT has written a paper and I'm going to ask them to include a discussion of this in their biweekly next week. We need a plan of how we are going to resolve this with OW.

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From: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Sent: Friday, January 29, 2021 4:12 PM
To: Johnson, Kathleen <Johnson.Kathleen@epa.gov>
Subject: RE: Transition Update

I so appreciate your keeping all of this straight. One question: for the review of all existing regulations, orders, guidance documents, and policies – are you asking the Offices to submit something to you?

Larry

From: Johnson, Kathleen <Johnson.Kathleen@epa.gov>
Sent: Friday, January 29, 2021 3:33 PM
To: DeLeon, Rafael <DeLeon.Rafael@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Layne, Kenda <Layne.Kenda@epa.gov>; Mazakas, Pam <Mazakas.Pam@epa.gov>; Werner, Jacqueline <Werner.Jacqueline@epa.gov>; OECA Office Directors <OECA_Office_Directors@epa.gov>
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Subject: Transition Update

All,

Has it really only been 10 days? There are many transition balls in the air and I want to make sure everyone is up to date and that all right hands are coordinating with left hands.

1. Based on the Regulatory Freeze memo the agency has withdrawn all Federal Register (FR) documents that had been submitted to the Office of the Federal Register (OFR) but were not yet published. This list includes both notices that were withdrawn from the OFR and notices that were finalized but hadn't been sent to OFR for publication. If you want any of these resubmitted, you will need to follow a specific OP process (I can share). OSRE, I noted three documents of interest: a Settlement for Crest Rubber (line 105); a BFPP agreement with Mohawk Tanning (line 62) and an amendment to Koppers (line 9 of the "no signature" tab).
2. I have attached a revised chart on White Papers. We have completed a lot of the tasks that we designated as Tier 1 (which we needed very quickly). Thank you for all your drafting and review efforts. We are now moving into phase 2, where the papers are less urgent. Please note, many of you are developing papers as a normal part of your programmatic work or papers that describe the work of your office. I am not attempting to list or track those. The attached list focuses more on decision points or changes in direction that we may ask Larry or the new AA to take on early in his or her tenure.
3. Also, as you know, we have been asked to review the rules promulgated under the Trump Administration, including a specific list of 48 rules. As I understand it, OECA only "owns" two rules: the inspection rule which we are required to revoke and the NPDES e-reporting rule which we would like to retain. However, many of your offices may have an interest in other rules promulgated by other AAs. Loren put together a spreadsheet for OCE to help them determine, as an office, which OCE group might have an interest in which rule. I thought it was such a useful tool that I asked him to change it up so we can use it OECA-wide. He sent you the link to this yesterday. Please look through the list and if your office has an interest in one of the rules, please reflect that. If more than one office shares an interest in a rule, please coordinate on a consistent OECA position. OP has sent a schedule around for providing a list of actions that would be completed by December 31 (which I assume would include rules that we might want to rescind). They are on a tight time-frame, so I encourage you to work with your counterparts in the media offices to formulate a recommendation.

OP sent out the following direction to all offices:

This EO requires EPA to "review all existing regulations, orders, guidance documents, policies, and any other similar agency actions (agency actions) promulgated, issued, or adopted between January 20, 2017, and January 20, 2021, that are or may be inconsistent with, or present obstacles to, the policy set forth in section 1 of this order. For any such actions identified by the agencies, the heads of agencies shall, as appropriate and consistent with applicable law, consider suspending, revising, or rescinding the agency actions." **Within 30 days, EPA must submit to the Director of the Office of Management and Budget a preliminary list of any actions being considered that would be completed by December 31, 2021, and that would be subject to OMB review.** With this thirty-day deadline in mind, please note the following milestones:

Internal Deadlines

February 5: Programs/Offices provide draft lists to Office of Policy

February 12: Final lists due to Office of Policy

February 19: EPA List submitted to OMB

Thanks all and let me know if you have any questions.

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